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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/031,091

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Gene Harlow Johnson

RCA 89650

5994

7590

11/27/2006

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/031,091	JOHNSON ET AL.	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-6, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Reitmeier (WO 99/16247).

As for claim 1, Reitmeier teaches in a video processing apparatus (Fig. 1) having at least two video inputs (10A & 10B – Fig. 1), each video input able to receive a video signal from any of a plurality of input devices (antenna or cable television network, p. 5, lines 4-6) and coupled to a display device, a method of performing a channel search comprising:

determining by a user a currently selected video input from at least two video inputs (Referring to Fig. 1, the user inputs to scan channels. This process continues ...or to change the physical channel using the appropriate tuner. – p. 8, lines 12-30. Therefore, based on the user input to scan channels, the video from one of the two separate tuners is selected.);

detecting available channels from various possible channels on only the currently selected video input (p. 6, lines 14-17); and

updating a channel list of channels available for the currently selected video input (p. 15, lines 26-27).

As for claims 2, 6, and 10, Reitmeier teaches detecting available channels comprises detecting only digital channels (mpeg; p. 5, lines 30-31, p. 4, line 4).

As for claim 5, Reitmeier teaches a video processing apparatus coupled to a display device and having at least two RF video inputs, each RF video input able to receive a video signal from any of a plurality of input devices (antenna or cable television network, p. 5, lines 4-6) and being couplable to a respective source of television signals, the video processing apparatus comprising:

means (20 – Fig. 1) for selecting one of the RF video inputs (10A & 10 B – Fig. 1) as a television signal source for processing (p. 5, lines 22-29, p. 6, lines 5-14);

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means (30 – Fig. 1) for detecting available channels from only the RF video input selected by the means for selecting (p. 6, lines 14-17, p. 8, lines 12-18);

means (70 – Fig. 1) for updating a channel list of channels available for the selected RF video input (p. 15, lines 26-27).

Claim 9 contains the limitations of claim 5 and is analyzed as previously discussed with respect to that claim. Claim 9 additionally calls for the following:

means (15B – Fig. 1) for receiving a first plurality of channels of television signals from a first television signal input (p. 5, line 22 – p. 6, line 4);

means (15A – Fig. 1) for receiving a second plurality of channels of television signals from a second television signal input (p. 5, line 22 – p. 6, line 4);

means (display device) for displaying the plurality of channels of television signals from either the first and second television signal inputs (p. 7, lines 10-11);

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4, 7-8, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reitmeier in view of Wugofski (WO 99/35833).

As for claims 3, 7, and 11, Reitmeier teaches after determining a currently selected video input:

means (34 – Fig. 1) for utilizing information generated from a previous full channel search in order to skip one of a cable and an air detection routine (p. 8, line 31 – p. 9, line 4, p. 9, lines 20-25, p. 10, lines 5-9).

However, Reitmeier fails to teach that a user selects whether an RF television video input is coupled to a cable video signal source or an antenna video signal source.

In an analogous art, Wugofski teaches that the user selects through a remote control device (24 – Fig. 1A) whether s/he desires to select content from an RF receiver (antenna video signal source; 14 – Fig. 1A ) or a digital receiver (cable video signal source; 16 – Fig. 1A ) [p. 6, lines 20-30, p. 7, lines 22-25] for the advantage of providing the user with the option of choosing the source of video programming.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Reitmeier's invention to include that the user selects through a remote control device whether s/he desires to select content from an RF receiver or a digital receiver, as taught by Wugofski, for the advantage of providing the user with the option of choosing the source of video programming.

As for claims 4, 8, and 12, Reitmeier teaches after determining a currently selected video input:

means (70 – Fig. 1) for utilizing information in order to skip one of a cable and an air detection routine (p. 4, lines 29-31, p. 10, lines 8-14).

However, Reitmeier fails to teach that a user selects whether a video input or television signal is coupled to a cable video signal source or an antenna video signal source.

In an analogous art, Wugofski teaches that the user selects through a remote control device (24 – Fig. 1A) whether s/he desires to select content from an RF receiver (antenna video signal source; 14 – Fig. 1A ) or a digital receiver (cable video signal source; 16 – Fig. 1A ) [p. 6, lines 20-30, p. 7, lines 22-25] for the advantage of providing the user with the option of choosing the source of video programming.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Reitmeier's invention to include that the user selects through a remote control device whether s/he desires to select content from an RF receiver or a digital receiver, as taught by Wugofski, for the advantage of providing the user with the option of choosing the source of video programming.

### ***Conclusion***

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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